



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during September 2012
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This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

District Court Enforcement Resolutions (party followed by location):

Land:

State of Maine, Department of Environmental Protection v. Crane's Contract Cutting, Inc. and David Crane, Steuben, Maine. Crane's Contract Cutting, Inc. ("Crane's Cutting") and David Crane ("Crane") violated Maine's *Natural Resources Protection Act* by performing or causing to be performed the removal or displacement of soil, sand, or other materials in and adjacent to a protected natural resource without first obtaining a permit from the Department. In addition, by conducting or causing to be conducted, filling, displacing, or exposing soil without implementing sufficient erosion controls to prevent erosion of soil or sediment beyond a project site or into a protected natural resource, Crane's Cutting and Crane violated Maine's *Erosion and Sedimentation Control* law and by discharging soil to a water of the state without first obtaining a permit from the Department, Crane's Cutting and Crane violated Maine's *Protection and Improvement of Waters* law. Specifically, while conducting a timber harvest a skidder was driven across an unnamed stream without crossings installed which disturbed the stream bottom and bank and caused sedimentation of the unnamed stream. At the time of state inspections, no erosion and sedimentation controls were observed on the site. In a Consent Decree and Order entered into by the parties and approved by the court to resolve the violations, Crane's Cutting and Crane agreed to restore two stream crossings. In addition, Crane's Cutting and Crane agreed to pay \$8,515 as a civil monetary penalty, pursuant to the terms of a payment plan.

Water:

State of Maine, Department of Environmental Protection v. Leland E. Boggs, II, Valerie R. Boggs, Leland E. Boggs, III, and Robin E. Boggs, Warren, Maine. Leland E. Boggs, II, Valerie R. Boggs, Leland E. Boggs, III, and Robin E. Boggs (collectively "the Boggs") violated Maine's *Protection and Improvement of Waters* law by failing to determine the feasibility of technologically proven alternatives to an overboard discharge ("OBD") system prior to acquiring a property with an OBD system and by directly or indirectly discharging or causing to be discharged pollutants, namely effluent, biological matter, and chemicals in the form of treated sanitary wastewater from the OBD system to a water of the state without first obtaining a waste discharge license from the Department. Specifically, the feasibility of technologically proven alternatives to the OBD system associated with the property was not determined prior to acquiring the property where the OBD system was located. Furthermore, at the time the Boggs acquired the property the discharge of treated sanitary wastewater from the OBD system was unlicensed as a previous license for the discharge had expired. The Boggs did not subsequently renew the license for the discharge from the OBD system. Following Department involvement, the Boggs installed a subsurface wastewater disposal system to replace the OBD system. In a Consent Decree and Order entered into by the parties and approved by the court to resolve the violations, the Boggs agreed to properly abandon the OBD system in accordance with the Department's rules for *Overboard Discharges: Licensing and Abandonment*. In addition, the Boggs agreed to pay \$13,740 as a civil monetary penalty, pursuant to the terms of a payment plan.